

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

MARIO LUEVANO, §
§
Plaintiff, §
§
v. § CAUSE NO. EP-22-CV-136-KC
§
TWIN CITY CRANE AND HOIST, §
INC.; BC INDUSTRIAL SUPPLY §
CORP., d/b/a BC WIRE ROPE & §
RIGGING; and COLUMBUS §
MCKINNON CORPORATION, a/k/a §
COFFING HOISTS, §
§
Defendants. §

ORDER

On this day, the Court considered Plaintiff and Defendant Twin City Crane and Hoist, Inc.'s ("Twin City") Motion to Dismiss with Prejudice ("Motion"), ECF No. 33. On January 18, 2023, the parties' mediator informed the Court that they reached an agreement to resolve this matter. Sealed Correspondence, ECF No. 30. The Court ordered that "unless the parties submit final closing papers on or before February 17, 2023, the Court will dismiss the case without costs and without prejudice." Jan. 18, 2023, Order 1, ECF No. 31 (emphasis omitted). That date passed, and the parties did not submit closing papers, so the Court dismissed Plaintiff's claims without prejudice and directed the Clerk to close the case. Feb. 21, 2023, Order 1, ECF No. 32.

The parties now request that the Court dismiss Plaintiff's claims against Twin City with prejudice, "with each party bearing its own costs and attorneys' fees." Mot. 1. Upon due consideration, the Motion is **GRANTED**. Plaintiff's claims against Twin City are **DISMISSED** with prejudice.

IT IS FURTHER ORDERED that Plaintiff and Twin City shall pay their own costs and fees incurred in connection with Plaintiff's claims against Twin City.

The case shall remain closed.

SO ORDERED.

SIGNED this 14th day of April, 2023.



KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE